

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

GERALD R. TARUTIS as Litigation Guardian
ad Litem of R.J.S., minor child; SVETLANA I.
SAVCHUK and SERGEY I. SAVCHUK,
parents of R.J.S.,

Plaintiff(s),

v.

SPECTRUM BRANDS HOLDINGS, INC., a
Delaware Corporation, SPECTRUM
BRANDS, INC., a Delaware Corporation, SS
BETHEL, LLC, a limited liability company
organized under the laws of the State of
Delaware, D/B/A as Star Struck, LLC,

Defendant(s).

NO. 2:13-CV-00761

DEFENDANT SPECTRUM BRANDS, INC.
INITIAL DISCLOSURES PURSUANT TO
F.R.C.P. 26(a)

Defendant Spectrum Brands, Inc. ("Spectrum"), by and through its attorneys of
record, Preg O'Donnell & Gillett, PLLC, produces below the following disclosures
pursuant to Fed. R. Civ. P. 26(a). Documents produced are attached hereto. Any
documents not produced will be made available for copying or the reason for non-
disclosure is provided.

1 **I. Individuals Likely to Have Discoverable Information**

- 2 1. Rita Collins
3 Manager Consumer Service
4 Must be contacted through counsel
5 Eric Gillett
6 C/O Preg O'Donnell & Gillett
7 1800 Ninth Avenue, Suite 1500
8 Seattle, WA 98101
9 (206) 287-1775

10 May testify regarding the type, number, and frequency of complaints received by
11 Spectrum as well as the complaint procedure in general.

- 12 2. Bob Jacus
13 Director, Product Marketing, Alkaline
14 Must be contacted through counsel
15 Eric Gillett
16 C/O Preg O'Donnell & Gillett
17 1800 Ninth Avenue, Suite 1500
18 Seattle, WA 98101
19 (206) 287-1775

20 May testify regarding the marketing efforts of Spectrum as well as the type of
21 products which were marketed. He may also testify regarding packaging and labeling of
22 products as well as the packaging and labeling of similar products in the industry at
23 large.

- 24 3. Joe Jacobus
25 Packaging Manager
Must be contacted through counsel
Eric Gillett
C/O Preg O'Donnell & Gillett
1800 Ninth Avenue, Suite 1500
Seattle, WA 98101
(206) 287-1775

May testify regarding the packaging used by Spectrum, packaging used by
Spectrum's licensees, as well as the packaging used in the industry at large.

1 4. Wesley Kieler
2 Associate Packaging Engineer
3 Must be contacted through counsel
4 Eric Gillett
5 C/O Preg O'Donnell & Gillett
6 1800 Ninth Avenue, Suite 1500
7 Seattle, WA 98101
8 (206) 287-1775

9 May testify regarding the packaging used by Spectrum, the specifications of
10 packaging used by Spectrum's licensees, as well as the packaging used in the industry
11 at large.

12 5. Michele Woolever
13 Associate Product Manager
14 Must be contacted through counsel
15 Eric Gillett
16 C/O Preg O'Donnell & Gillett
17 1800 Ninth Avenue, Suite 1500
18 Seattle, WA 98101
19 (206) 287-1775

20 May testify regarding CR2032 batteries and packaging produced and licensed by
21 Spectrum. May also testify regarding the negotiation of the licensing agreements with
22 Star Struck executed on Spectrum's behalf by Jim Heidenreich.

23 6. Janna Rose
24 Division Vice President, Round Cell Technology
25 Must be contacted through counsel
26 Eric Gillett
27 C/O Preg O'Donnell & Gillett
28 1800 Ninth Avenue, Suite 1500
29 Seattle, WA 98101
30 (206) 287-1775

31 May testify regarding Spectrum's efforts to license and manufacture of the
32 CR2032 battery and packaging as well as the industry standards that were accepted.

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1 7. Bradley Moore
2 Commodity Manager
3 Must be contacted through counsel
4 Eric Gillett
5 C/O Preg O'Donnell & Gillett
6 1800 Ninth Avenue, Suite 1500
7 Seattle, WA 98101
8 (206) 287-1775

9 May testify regarding the design, production and licensing of CR2032 batteries.

10 8. John Hadley
11 Director, Alkaline Battery Technology & Standards
12 Must be contacted through counsel
13 Eric Gillett
14 C/O Preg O'Donnell & Gillett
15 1800 Ninth Avenue, Suite 1500
16 Seattle, WA 98101
17 (206) 287-1775

18 May testify regarding the design and standards that have been adopted
19 regarding CR2032 batteries.

20 9. Kevin Domack
21 Director, Environmental, Health & Safety
22 Must be contacted through counsel
23 Eric Gillett
24 C/O Preg O'Donnell & Gillett
25 1800 Ninth Avenue, Suite 1500
 Seattle, WA 98101
 (206) 287-1775

 May testify regarding the design and standards that have been adopted
 regarding CR2032 batteries and regarding the CR2032 battery in general.

 10. Sarah Owen
 National Electrical Manufacturers Association
 1300 North 17th Street, Suite 1752
 Rosslyn, VA 22209
 (703) 841-3245

 May testify regarding the lithium coin cell battery (LCCB) development, warnings,
 and industry actions related to LCCB.

1 11. Keith Sessler and other employees of SS Bethel/Star Struck
2 Contacted through their counsel

3 May testify regarding their actions and knowledge related to the CR2032 battery,
4 warnings, testing, and ingestion related issues.

5 12. Svetlana I. Savchuk
6 Plaintiff

7 May testify regarding her actions and those of her husband and child related to
8 the allegations contained in the complaint.

9 13. Sergey I. Savchuk
10 Plaintiff

11 May testify regarding his actions and those of his wife and child related to the
12 allegations contained in the complaint.

13 14. Doctors for R.J.S.
14 Contact information unknown

15 May testify regarding the medical treatment for R.J.S.

16 15. Employees of third-party CR2032 battery manufacturers

17 May testify regarding the industry standards and packaging used for the CR2032
18 battery.

19 16. Employees of third-party manufacturers who produce products that use
20 CR2032 batteries

21 May testify regarding the design of the products which CR2032 batteries are
22 installed in and the requirements of the CR2032 battery as well as child access to
23 batteries from the products.

24 Discovery is ongoing and it is anticipated that additional witnesses will be
25 identified as discovery progresses. Witnesses identified above may be found to have
26 knowledge regarding additional topic areas and such information will be supplemented
27 in discovery.

II. Documents Which Spectrum May Use at Trial

No.	Description	Location
1.	Spectrum Brands License Agreement dated March 1, 2009	Previously produced
2.	Spectrum Brands License Agreement dated August 1, 2011	Previously produced
3.	ANSI standards for CR2032 batteries in force at the time relevant to the allegations contained in the Complaint	American National Standards Institute 1899 L Street, NW 11th Floor Washington, DC 20036
4.	Other professional committee standards for CR2032 batteries - such as IEC and NEMA - for periods of time related to allegations contained in the Complaint	Offices of the relevant professional committees
5.	Performance Specifications for the CR2032 battery	Spectrum Brands, Inc. 601 Rayovac Drive Madison, Wisconsin 53711
6.	Testing data related to the CR2032 battery	Spectrum Brands, Inc. 601 Rayovac Drive Madison, Wisconsin 53711
7.	Information provided by NEMA to physicians and medical personnel to aid in the diagnosis of battery ingestion	National Electrical Manufacturers Association 1300 North 17th Street Suite 1752 Rosslyn, Virginia 22209
8.	UL Standards for Lithium Batteries at times related to the allegations contained in the Complaint	UL Laboratories Government Services 1850 M. St. N.W., Suite 1000 Washington, DC 20036-5833
9.	Specifications for Dry Cells and Batteries at times related to the allegations contained in the Complaint	U.S. Dept. of Commerce 1401 Constitution Ave., NW Washington, D.C. 20230

Discovery is ongoing and it is believed that additional documents will be identified in discovery that will support Spectrum's various defenses in this matter.

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2 **III. COMPUTATION OF CATEGORIES BY DAMAGES CLAIMED BY THE**
3 **DEFENDANT**

4 The Defendant is not counterclaiming for monetary damages at this time.

5 **III. COPIES OF INSURANCE AGREEMENTS UNDER WHICH ANY PERSON**
6 **CARRYING ON AN INSURANCE BUSINESS MAY BE LIABLE TO SATISFY**
7 **PART OR ALL OF A JUDGMENT WHICH MAY BE ENTERED IN THE ACTION**
8 **OR TO INDEMNIFY OR REIMBURSE FOR PAYMENTS MADE TO SATISFY**
9 **THE JUDGMENT.**

10 Please find attached the Hartford Insurance Policy and the Liberty Mutual
11 Insurance Policy that may satisfy part or all of a judgment which may be entered in this
12 action.

13 **IV. RESERVATION**

14 Spectrum reserves the right to call all witnesses disclosed by all parties in this
15 action, and also reserves the right to call additional witnesses identified through
16 discovery or investigation. Spectrum also reserves the right to use all evidence that is
17 produced and exchanged in discovery or offered as initial disclosures by other parties.

18 DATED at Seattle, Washington, this 8th day of July, 2013.

19 PREG O'DONNELL & GILLETT PLLC

20 By /s/ Eric P. Gillett

21 By /s/ Justin Bolster

22 Eric P. Gillett WSBA #23691

23 Justin E. Bolster WSBA #38198

24 Attorneys for Defendant Spectrum Brands
25 Holdings, Inc.

PREG O'DONNELL & GILLETT PLLC

1800 Ninth Ave., Suite 1500

Seattle, WA 98101-1340

Firm Emails:

egillett@pregodonnell.com

jbolster@pregodonnell.com

DECLARATION OF SERVICE

I hereby declare that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record listed below:

**Counsel for Plaintiffs Gerald R. Tarutis
as Lit GAL for RJS, minor child and
Svetlana and Sergey Savchuck:**

James S. Rogers, Esq. WSBA #5335
Dana A. Henderson, Esq. WSBA #32507
Elizabeth J. Donaldson, Esq. WSBA #45291
Law Offices of James S. Rogers
jsr@jsrogerslaw.com

Counsel for Defendant SS Bethel, LLC:

Carl E. Forsberg, Esq. WSBA #17025
Paul Middleton, Esq. WSBA #12113
Paul S. Smith, Esq. WSBA #28099
Forsberg & Umlauf, P.S.
cforsberg@forsberg-umlauf.com

DATED at Seattle, Washington, this 8th day of July, 2013.

PREG O'DONNELL & GILLETT PLLC

By /s/ Eric P. Gillett

By /s/ Justin Bolster

Eric P. Gillett WSBA #23691

Justin E. Bolster WSBA #38198

Attorneys for Defendant Spectrum Brands
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